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Situation of human rights in the Islamic Republic of Iran

Report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolution 66/175, in which the Assembly requested the Secretary-General to submit a report to the Assembly at its sixty-seventh session. The report reflects the patterns and trends in the human rights situation in the Islamic Republic of Iran and provides information on progress made in the implementation of the present resolution, including recommendations to improve its implementation. In its resolution 66/175, the Assembly called upon the Government of the Islamic Republic of Iran to address the substantive concerns highlighted in the previous report of the Secretary-General (A/66/361) and to respect fully its human rights obligations, in law and in practice, in relation to a number of specifically identified concerns.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 66/175, in which the Secretary-General was requested to report to the Assembly at its sixty-seventh session on the progress made in the implementation of the resolution. It reflects the latest patterns and trends in the human rights situation in the Islamic Republic of Iran and attempts to highlight issues affecting the improvement of economic, social and cultural rights. It draws upon observations made by treaty monitoring bodies, the special procedures of the Human Rights Council, United Nations agencies and international non-governmental organizations. It also refers to information from official State media, owing to the difficulty of collecting independent data on the human rights situation in the Islamic Republic of Iran.

2. Since the last report of the Secretary-General to the Human Rights Council (A/HRC/19/82), human rights violations continued, targeting in particular journalists, human rights defenders and women's rights activists. Concerns about torture, amputations, flogging, the increasingly frequent application of the death penalty (including in public and for political prisoners), arbitrary detention and unfair trials, continue to be raised by United Nations human rights mechanisms. Freedom of expression and assembly remained curtailed, and opposition leaders have remained confined under house arrest since February 2011. Discrimination against minority groups persisted, in some cases amounting to persecution.

3. There were, however, some positive developments including the engagement by the Islamic Republic of Iran with the Human Rights Committee, which reviewed its third periodic report under the International Covenant on Civil and Political Rights (CCPR/C/IRN/3) in October 2011, and the visit of a working-level mission of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in December 2011. Also, the new Islamic Penal Code, adopted by Parliament in January 2012, omits the penalty of stoning and reduces the range of offences for which the death penalty may be applied against juveniles. Regrettably, the Government did not admit the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, nor did it follow up on its pledge to invite two special procedures mandate holders.

II. Thematic issues

A. Torture and cruel, inhuman or degrading treatment or punishment, including flogging and amputations

4. As highlighted in the last report of the Secretary-General to the Human Rights Council, the recurrence of allegations of torture in detention facilities remains an area of grave concern to United Nations human rights mechanisms. The special procedures mandate holders of the Human Rights Council and the United Nations treaty bodies continue to express concern about reports of torture and other cruel, inhuman or degrading treatment or punishment. In their comments on the Secretary-General's report, the authorities stated that the Constitution of the Islamic Republic of Iran forbids the use of all forms of torture for the purpose of extracting

confession or acquiring information and that the Islamic Penal Code and the Code on citizen's rights provide for acts of torture to be punished.

5. A joint study on global practices in relation to secret detention in the context of countering terrorism, conducted by a number of special procedures mandate holders (see A/HRC/19/44) identified a pattern of incommunicado detention of political prisoners in secret or unofficial detention facilities. Concerns were expressed about section 209 at Evin Prison, where political prisoners in particular are often held in prolonged, solitary and incommunicado confinement.[1] In communications to the authorities, the Special Rapporteur on torture expressed concern about reports of torture and other cruel, inhuman or degrading treatment or punishment and stressed that the use of solitary and prolonged confinement increases the risk that acts of torture and other cruel, inhuman or degrading treatment or punishment will go undetected and unchallenged (see A/HRC/19/61/Add.4). The Human Rights Committee echoed similar concern about reports of the widespread use of torture and cruel, inhuman or degrading treatment in detention facilities, particularly in respect of persons accused of national security-related crimes.

6. On 28 February 2012, the Special Rapporteur on torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Independent Expert on minority issues expressed grave concerns about the alleged torture and subsequent death in detention of two ethnic Ahwazi Arab activists. According to the information received, Mr. Nasser Alboshokeh Derafshan, an ethnic Arab who had reportedly been arrested by security forces on 26 January, died under torture during his detention. His family was informed of his death on 30 January. Mr. Mohammad Al-Kaabi was arrested by security forces in Shush on 21 January and taken to a detention facility run by the Ministry of Intelligence, where he was allegedly tortured to death. Local authorities reportedly buried the body and warned his family to abstain from conducting public mourning services.

7. Amputation and corporal punishment, including flogging, which is considered incompatible with article 7 of the International Covenant on Civil and Political Rights owing to its extreme severity, continue to be reported. Reports of the imposition of retribution punishment continue to be received. During the reporting period, at least three persons charged with acid attacks were sentenced to blinding, and their cases are pending final approval by the Chief of the Judiciary. The Iranian authorities exclude the State's responsibility in cases of retribution and stress that sharia jurisprudence considers retribution a private right of the victim's family and that the authority to execute the punishment is solely dependent upon the demand of the victim's family. There are reports of a noticeable increase in corporal punishment, particularly in public. The authorities refer to crime deterrence and an alternative to incarceration as justification. On 22 May, one person accused of abduction was publicly punished with 74 lashes in Khuzistan.

[1] The Iranian authorities noted that reforms of the prison management system have replaced solitary confinement with "single suites", which are used in very rare cases.

B. Death penalty, including public executions

8. In January 2012, the Parliament of the Islamic Republic of Iran passed a revised Islamic Penal Code. It is currently pending final approval by the Guardian Council and signing by the President. It reportedly omits the punishment of stoning and the details of this method of execution but retains the death penalty for crimes relating to national security, *Moharebeh* (enmity against God), *mofsid-fil-arz* (corruption on earth), drug trafficking, rape, *qisas* (retribution in kind) and certain other *hudud* crimes. The Secretary-General, while welcoming the omission of the punishment of stoning, regrets that the revised law fails to take into account numerous calls by the international community, in particular the United Nations human rights mechanisms, to fully abolish the death penalty or to restrict its imposition to only the "most serious crimes", as stipulated in article 6 (2) of the International Covenant on Civil and Political Rights. Furthermore, concern remains that the punishment of stoning may still be issued at a judge's discretion, in accordance with sharia law or fatwas.

9. The Secretary-General is concerned that the death penalty continues to be applied with alarming frequency. He notes with concern the reported executions of over 600 persons in 2011, and the ensuing escalation in executions in the first half of 2012, with over 200 persons reported to have been executed since January. The special procedures also continue to express alarm at the high number of death sentences handed down and the increased number of executions carried out, on the basis of charges that do not amount to the most serious crimes, in particular drug-related charges. On 23 May, authorities reported the execution of 14 persons for drug-related offences in Tehran. On 28 June, the Special Rapporteurs on the situation of human rights in the Islamic Republic of Iran, on extrajudicial, summary or arbitrary executions, and on torture publicly condemned executions in the Islamic Republic of Iran and stated that at least 140 executions, including 25 in public, were known to have been carried out since the beginning of 2012, with some sources indicating the figure to be as high as 220. In his report to the Human Rights Council, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran expressed concern about the executions of persons charged with drug-related offences and reported the executions of 600 persons in 2011, the majority for offences involving drugs (see A/HRC/19/66). Concerns were also raised regarding fair trial safeguards, including access by convicts to lawyers and to their families. The authorities attribute the increased number of executions to drug trafficking and maintain that all legal proceedings and requirements are completed in drug-related cases. The Judiciary also appears to be expanding the scope of the executions to include cases relating to financial embezzlement. On 30 July, a Judiciary spokesman was quoted as saying that 4 of the 39 persons convicted in a $2.6 billion financial fraud case had been given the death penalty; others had received jail sentences, including life imprisonment.[2]

10. The Special Rapporteur on extrajudicial, summary or arbitrary executions sent several communications during the reporting period, expressing concerns about the ongoing adjudication of death penalties for crimes of *Moharebeh* (enmity against God), *mofsid-fil-arz* (corruption on earth), apostasy and drug-related cases, following trials in which the guarantees of due process of law had not been properly

[2] See www.press[illegible].com/detail/2012/07/30/253514/iran-condemns-4-to-death-in-bank-fraud/.

applied. On 15 November 2011, the Special Rapporteurs on extrajudicial, summary or arbitrary executions, on the independence of judges and lawyers and on torture, and the Independent Expert on minority issues drew the authorities' attention to the imminent execution of Kurdish activists, Mr. Zanyar Moradi and Mr. Loghman Moradi, both sentenced to public execution in December 2010 on charges of *Moharebeh* (enmity against God) and *mofsid-fil-arz* (corruption on earth). The sentence was apparently upheld by the Supreme Court in October 2011. It is alleged that both men were coerced into confession after being tortured for 25 days. In a letter dated 11 June 2012, the Iranian authorities confirmed the death penalty for both men and stated that the verdict was open to appeal.

11. The high incidence of executions in public remains an ongoing concern, with a spike reported in 2012. At least 40 public executions were reported by the authorities in 2011, and over 30 cases were recorded in the first half of 2012. The majority of the executions were reportedly attended by a large crowd, including minors.

C. Executions of juvenile offenders

12. There have been efforts to progressively restrict the executions of juvenile offenders. The revised Islamic Penal Code, which is yet to be approved, does not end juvenile executions but establishes new measures to limit the juvenile death penalty. It revokes capital punishment for persons under the age of 18 charged with certain crimes, such as smuggling narcotics. In cases of attempted premeditated murder, where juveniles may still face execution, the Code introduces the notion of mental maturity and the ability to reason as key elements regarding their sentencing under capital offences. Article 90 of the revised Islamic Penal Code stipulates that juveniles under 18 who commit offences under the categories of *hudud* and *qisas* will not be sentenced to death if the court decides, through forensic evidence, that the offender did not have adequate mental maturity and the ability to reason. However, the Code does not raise the age of criminal liability of children. The latest juvenile execution reported was in September 2011, when 17-year-old Alireza Molla-Soltani was publicly hanged.

13. Furthermore, under the category of discretionary penalties (*tazir*), the Code abolishes corporal punishment and introduces alternative penalties that include community service, thereby minimizing the incidence of depriving children of their liberty; takes age and the severity of the offence into account in the determination of the punishment; and authorizes judges to assess progress in the rehabilitation of child offenders and eventually, discontinue punishment, especially in the case of deprivation of liberty. Moreover, the revised Code of Criminal Procedures, which has yet to be adopted, contains provisions that protect the rights of children. The revised Code of Criminal Procedures also provides for the establishment of juvenile courts that would hear all crimes committed by children and individuals under 18.

14. During its visit to Tehran in December 2011, the authorities informed an OHCHR delegation that the number of juvenile executions had dropped dramatically and that offences committed by persons under the age of 18 were tried in children's courts, where efforts were being made to apply lenient punishments. The authorities also pointed out that, even in cases of *qisas* (retribution), regarded under Iranian law as the private right of the victim's family, and which cannot be

overruled by the judiciary, extensive efforts were being made by the Conciliation Commission of the judiciary to encourage the families of the victim and the perpetrator to reach a *diyah* (blood money) settlement. They also informed the delegation that the Government's policy was to encourage next of kin to forfeit the right to *qisas* and that, each year, specific funds were earmarked by the Ministry of Justice to assist persons sentenced to pay the *diyah* settlement.

D. Women's rights

15. In addition to achievements in women's education and health, measures to improve women's participation in decision-making and women's political participation have been reported. There are currently four women cabinet ministers and a number of vice-ministers, and one of the organizational posts in each ministry is allocated to an adviser on women's and family affairs.[3] The number of women members of Islamic Councils in rural and provincial areas increased by 8.44 per cent in the third-term elections. The number of women in management positions in the Ministry of Education is reported to have increased from 45 in 2005 to 482 in 2011. In the past academic year, 390,306 girls were admitted to higher education, an increase of 192.96 per cent in three decades. Against this backdrop, the number of women representatives in Parliament remains low.[4] Women face restrictions in their appointment to certain decision-making positions. No woman can serve as President of the country and no woman has ever been appointed to the Council of Guardians or the Expediency Council.[5] Women may act as advisory judges, but cannot preside over a court.

16. The 2011 national census indicated that women's overall economic participation rate is 12.6 per cent, a decrease of 3 per cent compared with 2005. Women constitute only 13 per cent of the paid workforce. This is coupled with the prevalence of discriminatory job advertisements, which call for only men or only women applicants. Such requirements would seem discriminatory and could be based on stereotyped assumptions regarding which jobs are considered suitable for women.

17. The authorities have been working towards comprehensive gender segregation in universities and other institutions of higher education. In September 2011, the Minister of Science, Research and Technology revealed a comprehensive gender segregation plan based on a decision of the Supreme Council of the Cultural Revolution. The plan has received support from religious clerics, who have been pressing for total gender segregation in public places. Since September 2011, several universities have received authorization to implement gender segregation. Authorities have also been encouraging women students to study in their home cities and require those wishing to study elsewhere to produce authorizations from their father or husband. Women's access to higher education is further curtailed by the quota system in universities. The Guidelines for University Entrance Exams

[3] See www.un.org/womenwatch/daw/csw/csw56/general-discussions/member-states/Iran.pdf.

[4] At the parliamentary elections in March 2012, only 9 of the 290 elected members of Parliament were women.

[5] The Expediency Council is a powerful entity that serves as an advisory body for the Supreme Leader, with ultimate adjudicating power in disputes over legislation between Parliament and the Guardian Council.

(2011-2012) prescribe a quota for admission of men and women to certain public engineering universities for the current academic year. Based on those restrictions, it was estimated that fewer than 32 per cent of the admitted students were women. The percentage was 45 per cent for 2007-2008. These measures constrain women's ability to exercise their free and equal access to higher education.

18. According to various reliable reports, women activists continue to face intimidation and detention. A group of Iranian women activists, fearful of reprisal from the authorities, decided not to attend the fifty-sixth session of the Commission on the Status of Women in New York (February-March 2012).[6] A number of activists had been arrested and charged with national security-related charges for their participation in the Commission's fifty-fifth session in 2011, including Maryam Bahrman, an Iranian women's rights activist and member of the "One Million Signatures Campaign", who was arrested on 11 May 2011 and charged with national security offences. She is currently awaiting a court hearing. Another women's rights activist, Faranak Farid, also arrested in September 2011, is facing similar charges. The authorities argue that women activists associated with the "One Million Signatures Campaign" are engaged in illegal activities because they failed to gain legal permission as required by the law on "Activities of Political Parties, Societies, Political and Professional Associations and Islamic and Recognized Minority Religious Associations".

19. The Family Protection Bill introduced in the *Majlis* (Parliament) in 2007 is pending final approval. Certain controversial provisions in the Bill on taxing dowries, the marriage of an Iranian woman to a non-Iranian man and the practice of temporary marriages, which have a significant socioeconomic impact on women's lives, were nominally improved. Concern remains that the Bill still hinders women's advancement. For instance, it makes registration of temporary marriages obligatory only in cases where pregnancy is involved; the parties have specifically requested registration; or registration is a condition of the marriage. The lack of obligation to register temporary marriage would be a major setback for the promotion of gender equality and would undermine women's marital rights.

E. Rights of minorities

20. The international community continues to express concerns about the very serious discrimination against ethnic and religious minorities in law and in practice, in particular the Baha'i community. The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran expressed alarm about the systemic and systematic persecution of members of the Baha'i community, including severe socioeconomic pressure and arrests and detention. He also deplored the Government's tolerance of an intensive defamation campaign aimed at inciting discrimination and hate against Baha'is. He noted that 474 Baha'is had been arrested since 2004, 97 of whom were currently imprisoned (see A/HRC/19/66). The authorities note that while Baha'ism is not recognized as an official religion, its followers enjoy equal social, civil and citizens' rights. The Government states that they are free to travel overseas, enjoy banking rights and have equal access to institutions of higher education. The Government asserts that the Baha'i community

[6] See www.awid.org/eng/Library/Oral-Statement-on-The-Right-to-Participate-in-the-CSW-the-Case-of-Iran#.T47T33T-pdo.email.

has recruited members by irregular means or has acted against national security. On 31 May 2012, in a joint statement, a number of human rights organizations[7] expressed concern about the systematic deprivation of and discrimination against the Baha'i in institutes of higher education, noting that members of the Baha'i community were frequently prevented from pursuing higher education in violation of the International Covenant on Economic, Social and Cultural Rights, which recognizes the right of everyone to education and provides that higher education shall be made equally accessible to all on the basis of capacity. Hundreds of Baha'i students reportedly have been banned from entering public and private universities.

21. Other minority groups are also reported to have been subjected to a range of human rights violations and face severe restrictions on their freedom of religion and belief. Members of the Ahwazi Arab, Baloch and Kurdish communities face multifaceted discrimination, and their legitimate freedoms and rights are frequently transgressed. Members of these communities have frequently been arrested and given disproportionately heavy sentences, including the death penalty. On 19 June 2012, authorities reportedly executed at least four members of the Ahwazi community, who had been arrested in April 2011 during a protest in Khuzestan. The four men were convicted of *Moharebeh* (enmity against God) and *mofsid-fil-arz* (corruption on earth) and were sentenced to death following an apparently unfair trial. On 6 March 2012, Sheikh Hasan Amini, a prominent Sunni scholar, was summoned by the Clerical Court of Hamadan. He is reportedly accused of propaganda against the system for having criticized the Government for the detention of Sunni scholars and the ban on building Sunni mosques in Tehran.[8] Restrictions on building mosques and houses of worship and offering prayers in congregation (especially Eid and Friday prayers) are long-standing concerns raised by Sunni scholars.[9] On 14 May, one person was reportedly killed and several wounded when security forces opened fire on residents of Rask, who were protesting the arrest of at least 15 Sunni scholars in relation to the assassination, on 20 January, of Mullawi Jangi Zehi, the Friday prayer leader of Rask.[10]

22. The Secretary-General recognizes that the Islamic Republic of Iran generously hosts one of the largest and longest-standing refugee populations in the world, particularly from neighbouring Afghanistan and Iraq. As at July 2011, the Bureau for Aliens' and Foreign Immigrants' Affairs had registered 1,019,700 Afghan and 41,800 Iraqi refugees. There was a significant decline in the voluntary repatriation of Afghans, with 3,520 registered Afghan refugees returning home between January and June 2010, but in 2011, the number of people willing to repatriate increased.

23. The Islamic Republic of Iran has adopted some favourable measures to improve the situation of Afghan refugees. Since 2008, the Government has issued temporary work permits to eligible registered Afghan refugees. During the registration exercise in June 2011, the Government identified vulnerable registered refugees who qualified for exemption from payment of municipality taxes and school tuition fees.[11]

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[7] See www.amnesty.org/en/library/info/MDE13/033/2012/en.

[8] See www.sunnionline.us/english/index.php?option=com_content&view=article&id=3381.

[9] See http://english.sunnionline.us/index.php?option=com_content&view=article&id=3276.

[10] See www.presstv.ir/detail/242164.html.

[11] See www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486f96&submit=go.

24. In this context, the Secretary-General regrets reports that the Ministry of Education recently banned foreign nationals, including Afghans, from education in 20 fields, including atomic physics, nuclear engineering, aerospace engineering, chemical engineering and military science. Children born of registered refugee parents also continued to be denied birth certificates. In addition, authorities imposed restrictions on the freedom of movement of foreigners, including Afghan refugees, who were prevented from visiting public parks[12] and were recently banned from residing in several areas. Authorities in Fars province imposed restrictions on the selling of food products and cloths and on the delivery of public and medical services to undocumented foreigners. Bakeries, grocery stores and medical centres were warned to strictly abide by the rules and that any breach could lead to the closure of their businesses.[13] Employers were also warned against hiring undocumented foreign nationals.

25. Rising inflation and the removal of subsidies has affected the already difficult financial situation of refugees, who struggle to afford food and medical costs. The Government's plan to issue cash grants in lieu of subsidies for utilities and basic commodities has not been extended to refugees. This has resulted in a large number of vulnerable refugees approaching the Office of the United Nations High Commissioner for Refugees (UNHCR) for assistance.[11]

F. Freedom of peaceful assembly and association and freedom of opinion and expression

26. On 27 May 2012, the ninth Parliament was sworn in, following two rounds of elections, in which 290 members, including nine women, were elected. In the first round of elections, held on 2 March, 225 candidates won parliamentary seats. A total of 5,395 individuals, including 428 women, had registered as candidates, 3,467 of whom were qualified to run for election. The run-off vote for the remaining 65 seats was held in 33 constituencies across the country on 4 May. Overall, the authorities estimated an increase of 10 per cent in voter turnout compared with the previous parliamentary elections.

27. Serious concerns remain about the vetting of the candidates by the Guardian Council, whose screening process is based on restrictive criteria set out in law and led to the rejection of numerous candidates, including sitting members of Parliament. Irregularities were evident during the vetting process; the Guardian Council disqualified a number of sitting parliamentary candidates for having questioned the President and reinstated them only days before the election, thus virtually paralysing their campaign efforts. In its examination of the third periodic report of the Islamic Republic of Iran, the Human Rights Committee expressed concern about the registration requirements in election campaigns and the Guardian Council's right to reject parliamentary candidates (see CCPR/C/IRN/CO/3, para. 29). Concerns were also reported about the interference by the Revolutionary Guard Corps in the elections. Ali Motahari, a conservative member of Parliament, who was elected during the run-off, accused the Revolutionary Guard Corps of direct

[12] In March 2012, authorities in Isfahan banned Afghan nationals from entering Saffeh Mountain Park to celebrate the New Year festival. Authorities claimed that the ban was aimed at preserving the welfare and security of Iranian citizens and their families.

[13] Authorities state that such bans are imposed to limit the spread of contagious diseases.

interference in the elections by swaying voters at various voting stations to their preferred candidates.

28. Furthermore, the continuous and prolonged house arrest, since February 2011, of the two main opposition leaders, Mir Hossein Mousavi and Mehdi Karoubi, the suspension of licences of reformist political parties[14] prior to the election, and the denial of permission for opposition groups to stage rallies adversely affected political activities. The Special Rapporteur on the rights to freedom of peaceful assembly and of association expressed concern about peaceful assemblies in the Islamic Republic of Iran that were either not allowed or were violently dispersed (see A/HRC/20/27).

29. The Human Rights Committee expressed concern about the restrictions imposed on freedom of expression and opinion. The Committee noted that many newspapers and magazines, as well as the Journalists Association, had been closed since 2008 and that many journalists, newspaper editors, film-makers and media workers had been arrested and detained since the 2009 presidential elections (see CCPR/C/IRN/CO/3, para. 27). Journalists and media workers continued to be subjected to arrest, detention and interrogation for exercising their right to freedom of opinion and expression, promoting democracy and reporting human rights violations. As at December 2011, at least 40 journalists had reportedly been imprisoned, with several others at risk of arrest.[15] Even journalists working on land and environmental issues faced arbitrary arrest on charges such as espionage (see A/HRC/19/55).

30. In a report to the Human Rights Council, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression stressed that the imprisonment of bloggers was a clear example of the criminalization of legitimate expression, pointing out that 13 bloggers had been imprisoned on charges relating to the content of their online expression (see A/HRC/17/27, para. 35). On 16 February 2012, several special procedures mandate holders,[16] in a joint communication, expressed concerns about the arrests, from 28 December 2011 through January 2012, of at least 16 journalists and bloggers mostly affiliated with reformist papers or websites critical of Government policies. For instance, in May 2012, Mahmoud Shokraye, an Iranian cartoonist was sentenced to 25 lashes for depicting an Iranian Member of Parliament in a cartoon. On 25 February, a group of Iranian journalists, in a letter to the Head of the Special Court for the Clergy, requested the release of Mohammad Saed Zakari, one of the directors of a publication in the Islamic Republic of Iran. According to these journalists, Mr. Zakari had been arrested around 20 February at the order of the Special Court for the Clergy for criticizing the performance of a high-profile official. The authorities note that the Constitution of the Islamic Republic of Iran guarantees

[14] In November 2011, the Islamic Iran Participation Front, the Mujahidin of the Islamic Revolution and the Freedom Movement of Iran, all reformist political parties, reportedly had their licences suspended and were banned from running or presenting electoral lists for the 2 March 2012 elections.

[15] See http://cpj.org/reports/2011/12/journalist-imprisonments-jump-worldwide-and-iran-i.php.

[16] Chair-Rapporteurs of the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances and Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression, the situation of human rights defenders and the situation of human rights in the Islamic Republic of Iran.

freedom of expression and assembly and that the press is free to publish articles except those that disturb Islamic principles or public rights.

31. In March 2012, authorities suspended the press accreditation of the Reuters news agency in the Islamic Republic of Iran for misreporting on women's martial arts. A story entitled "Thousands of female Ninjas train as Iran's assassins" was published in February 2012 and prompted a harsh reaction by the Iranian authorities. Reuters was sued over the story, despite the fact that it had acknowledged its error and reportedly corrected the story on the same day.[17] Authorities also revoked the licence of *Chashmeh* Publications and barred it from the twenty-fifth Tehran International Book Fair for insulting Islamic values.[18] There are also concerns about a series of restrictions imposed on publishing activity, including the suspension of publishing houses' licences and the prevention of publications from exhibiting at the fair. Those banned from the exhibition included *Chashmeh*, *Ahang-e Digar*, *Omaid-e Farda*, *Koyer*, *Teimorzadeh*, *Daftar Sher Jowan*, *Botimar* and the Sunni publications *Seddiqi* and *Farooq-e-A'dham*. Furthermore, on 10 May, the Tehran International Book Fair police reportedly prevented *Aras Kurdistan*, *Hafedh Abru* and *Eilaf* publications from displaying stalls.[19]

32. Pressure on human rights defenders and activists continued. International human rights mechanisms continued to express serious concerns regarding the arrest and subsequent prosecution of human rights defenders for exercising their fundamental rights to freedom of expression and assembly. The Special Rapporteur on the situation of human rights defenders expressed grave concern about the physical and psychological integrity of people exercising their rights to freedom of peaceful assembly and of association including the systematic arrest of prominent human rights defenders, particularly lawyers, journalists, student activists and those advocating against the discrimination of women, and about the illegitimate restrictions imposed on the right of human rights defenders to freedom of opinion and expression (see A/HRC/19/55/Add.2 and A/HRC/20/27/Add.3). The Special Rapporteur also expressed concern about the allegations of widespread use of torture and ill treatment against human rights defenders while in detention, detention in unknown locations and incommunicado detention. On 4 May, a number of Special Rapporteurs[20] publicly condemned the arrests and harsh sentencing of human rights defenders.

33. Ms. Nargis Mohammadi, the former Vice-President of the Defenders of Human Rights Centre, founded by Nobel Laureate Shirin Ebadi, was rearrested on 21 April to resume a six-year prison sentence handed down by an Iranian appeal court for "assembly and collusion against national security, membership in the Defenders of Human Rights Centre and propaganda against the system". She was first arrested at her home in Tehran on 10 June 2010 and sentenced to 11 years in prison, which was reduced to 6 years on appeal. Furthermore, the Appeal Court reportedly recently

[17] See www.reuters.com/article/2012/03/29/reuters-iran-idUSL6E8ETB2S20120329.

[18] The twenty-fifth Tehran International Book Fair was held from 2 to 12 May 2012.

[19] See http://english.sunnionline.us/index.php?option=com_content&view=article&id=3329; http://english.sunnionline.us/index.php?option=com_content&view=article&id=3347; and www.guardian.co.uk/world/2012/may/02/tehran-international-book-fair-crackdown.

[20] Special Rapporteurs on the situation of human rights in the Islamic Republic of Iran; the situation of human rights defenders and the independence of judges and lawyers; see www.ohchr.org/EN/Countries/AsiaRegion/Pages/IRIndex.aspx.

upheld a nine-year prison sentence coupled with a 10-year occupational ban for Mohammad Ali Dadkhah, another prominent human rights lawyer and co-founder of the Defenders of Human Rights Centre. He was convicted on charges including "membership in the Defenders of Human Rights Centre" and "spreading propaganda against the system" in 2011. On 31 May, the Iranian authorities confirmed an 18-year prison sentence for Mr. Abdolfattah Soltani, a prominent lawyer and human rights activist, who had been arrested on 10 September 2011. The court also banned him from practising law for 20 years. On 8 January, a Tehran Revolutionary Court found Mr. Soltani guilty of establishing and managing an association that endangered national security, propaganda against the system, unlawful association and conspiracy with the intention of disturbing public security, and acquisition of wealth by illegitimate means. The sentence was reportedly reduced to 13 years on appeal.

34. Concerns also remain about the ongoing imprisonment of a prominent human rights defender, Ms. Nasrin Sotoudeh, and the harassment and intimidation of her family members. Ms. Sotoudeh was arrested on 4 September 2010 and sentenced to six years in prison and a 10-year ban on exercising her profession. Authorities reportedly recently imposed a travel ban on Mr. Reza Khandan, the husband of Ms. Sotoudeh, who has been publicly campaigning for his wife, and on their 12-year-old daughter. Mr. Khandan was previously summoned for questioning by the authorities and charged with spreading lies and disturbing public opinion. The United Nations High Commissioner for Human Rights wrote to the Government on 25 June 2012, expressing concerns about the continuing arrests, convictions and heavy sentencing of lawyers and human rights defenders, including Ms. Sotoudeh, in respect of charges that appear to be linked to their profession. She noted that lawyers and human rights activists make a positive contribution to a democratic and harmonious society and urged the Government to release imprisoned lawyers and human rights defenders along with all persons who have been arrested for peacefully exercising their right to freedom of expression, association and assembly.

35. The Secretary-General welcomes the decision by the Parliament of the Islamic Republic of Iran to further review and amend a proposed new law on the establishment and supervision of non-governmental organizations that had raised serious concerns among many Iranian non-governmental organizations.[21] The initial draft law unduly restricts the independence of civil society organizations and impedes the right to freedom of association and peaceful assembly of a wide range of actors, including human rights defenders, women's rights activists, teachers and trade associations.

36. Workers continue to face restrictions, arrest, conviction and imprisonment for exercising the right to freedom of association by forming independent trade unions. The absence of a legislative framework permitting trade union pluralism and the ensuing ban on trade union activities violate the right to freedom of association. Independent trade unions, including the Workers' Union of the Tehran and Suburbs Bus Company, the Sugar Cane Workers' Union of the Haft Tapeh Sugar Cane Company and the Teachers' Association, are reportedly banned and their leaders subjected to sanctions. Mr. Mansour Osanloo, President of the Workers' Union of the Tehran and Suburbs Bus Company, along with the leaders of the Haft Tapeh Sugar Cane Workers' Union, were subjected to repeated detention for exercising

[21] See Organizations for Defending Victims of Violence, Newsletter "Defenders", Autumn 2011-Winter 2012.

their right to strike.[22] Mr. Reza Shahabi, the Treasurer of the Workers' Union of the Tehran and Suburbs Bus Company, was recently sentenced to six years in prison and a five-year ban on engaging in union activities, on charges of "propaganda against the system and conspiracy against national security". In July 2012, the Appeal Court in Tehran reportedly upheld the sentence. Mr. Shahabi has been in detention since mid-2010. In June 2012, security forces reportedly arrested over 60 persons who were participating in the sixth General Assembly of the Coordinating Committee to Help Form Workers' Organizations. The majority of those arrested were reportedly released, but nine members of the Coordinating Committee allegedly remain in custody. Authorities also turned down a request by labour organizations to observe 1 May as International Workers' Day.

G. Economic, social and cultural rights

37. With a population of 75 million,[23] the Islamic Republic of Iran is an upper middle-income country which has made notable progress in human development. Its human development index value for 2011 was 0.70, placing the country in the high human development category. This represents an increase from a human development index value of 0.493 in 1985 and a total increase of 42 per cent or an average annual increase of about 1.4 per cent.[24] The Islamic Republic of Iran is also on track to achieve most of the Millennium Development Goals, particularly Goals 1 (reducing extreme poverty), 2 (achieving universal education), 4 (reducing child mortality by half) and 5 (reducing maternal mortality by three quarters).

38. The Islamic Republic of Iran has showed greatly improved results in health and education. Access to health care, including reproductive health care, has improved, with increased life expectancy at birth for both men and women; more people have access to safe drinking water; maternal mortality decreased from 150 per 100,000 live births in 1990 to 30 in 2008;[25] the under-five mortality ratio decreased to 21 out of 1,000; the proportion of births attended by skilled health personnel increased to 97.3 per cent; and primary health-care coverage in rural areas stands at more than 98 per cent. The country also has a literacy rate for girls of more than 90 per cent, an overall literacy rate of more than 75 per cent, social security coverage encompassing 30 million people[26] and health insurance schemes covering about 50 per cent of the population.

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[22] See International Labour Organization (ILO) Committee on Freedom of Association, examination of Case No. 2807 (March 2012) and Case No. 2508 (May-June 2011), available from www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_176577.pdf and www.ilo.org/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_142021.pdf respectively.

[23] On 25 July 2012, the Government announced that according to the National Population and Housing Census of the Islamic Republic of Iran, the country's population had reached 75,149,669 people, of whom men constitute 50.4 per cent and women 49.6 per cent. See http://www.tehrantimes.com/politics/99936.

[24] See United Nations Development Programme (UNDP), *Human Development Report 2011: Sustainability and Equity: A Better Future for All*. Available from http://hdr.undp.org/en/media/HDR_2011_EN_Complete.pdf.

[25] See World Health Organization (WHO), *Trends in Maternal Mortality: 1990 to 2010: WHO, UNICEF, UNFPA and the World Bank estimates* (Geneva, WHO Press, 2012).

[26] Most of these are formal sector workers whose health insurance is paid by their employers.

39. The Islamic Republic of Iran has also made significant progress in women's education and health. Literacy rates among 15-24-year-old women increased from 96.1 per cent in 2000 to 99.2 per cent in 2008, and the ratio of girls to boys in primary, secondary and tertiary education increased from 79.2 per cent in 1990 to 98 per cent in 2007.[27] Currently, more than half of all university students are women. This progress is reflected in the increased gender development index, which rose from 0.713 in 2004 to 0.770 in 2009. However, according to the *Human Development Report 2011: Sustainability and Equity: A Better Future for All*, the Islamic Republic of Iran ranks 98 out of 187 in gender inequality.

40. Amid such achievements, the country still faces such challenges as unemployment, low labour productivity growth, income inequality, environmental degradation and vulnerability to the impacts of climate change. The unemployment rate for 2010 was 11.9 per cent, with higher rates among young people (22.7 per cent for men, 32.4 per cent for women). The rate for 2011 was put at 12.3 per cent, with some reports suggesting closer to 15 per cent and many more underemployed.[28] The continual rise in inflation, reported at 21.8 per cent as at April 2012, coupled with the implementation of the 2010 Subsidy Reform Act,[29] also caused unemployment to rise because business cannot keep up with increased utility bills, higher prices of materials and such overhead costs as shipping.[30] Although the Government claims to have saved billions of dollars[31] by phasing out subsidies for fuel, electricity and basic goods and replacing them with direct cash subsidies, the costs of fuel and basic services such as utilities have increased four to sevenfold.[32]

41. Furthermore, disparities between urban centres and underdeveloped regions remain visible. For instance, despite noticeable improvement in health, the life expectancy for men and women in some provinces, including Sistan-Baluchistan, Kurdistan, Kohkilooyeh and Booyer Ahmad, and Lorestan, remains lower than in other areas. The human poverty index stands at 8.28 and 10.9 for Tehran and Isfahan provinces respectively, but in Sistan-Baluchistan and Kurdistan, the figures are 38.3 and 22.5. Similarly, primary school enrolment in Sistan-Baluchistan is 76.7 per cent, compared with a national average of 90 per cent. Income inequality stands above 0.4, with significant disparities among provinces, districts, urban centres and rural areas.[33]

42. The sanctions imposed on the Islamic Republic of Iran have had significant effects on the general population, including an escalation in inflation, a rise in commodities and energy costs, an increase in the rate of unemployment and a shortage of necessary items, including medicine.[34] A number of Iranian non-governmental organizations and activists have expressed concerns about the growing impact of sanctions on the population and have noted that inflation, rising

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[27] Data from the Statistical Centre of Iran.

[28] See http://tehrantimes.com/economy-and-business/97791.

[29] The Subsidy Reform Act enacted in 2010 in response to sanctions allows the Government to issue cash payouts ($40 per month) to middle- and lower-class families to offset the higher prices of unsubsidized goods.

[30] See www.mehrnews.com/en/newsdetail.aspx?NewsID=1568178 and www.tehrantimes.com/politics/96518.

[31] See www3.mehrnews.com/en/newsdetail.aspx?NewsID=1390534.

[32] See www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486f96&submit=go.

[33] Various household income and expenditure surveys show the extensive differences.

[34] See www.tehrantimes.com/politics/99025.

prices of commodities, subsidy cuts and sanctions are compounding each other and having far-reaching effects on the general population. They report, for instance, that people do not have access to lifesaving medicines. Furthermore, since the sanctions extend to banking transactions, many foreign banks have stopped doing business with the Islamic Republic of Iran altogether, which has made it considerably difficult for Iranians to transfer funds and for private business to obtain lines of credit.[35]

43. The sanctions also appear to be affecting humanitarian operations in the country. Even companies that have obtained the requisite licence to import food and medicine are facing difficulties in finding third-country banks to process the transactions. Owing to payment problems, several medical companies[36] have stopped exporting medicines to the Islamic Republic of Iran, leading to a reported shortage of drugs used in the treatment of various illnesses, including cancer, heart and respiratory conditions, thalassemia and multiple sclerosis.[37]

III. Cooperation with international human rights mechanisms and the Office of the United Nations High Commissioner for Human Rights

A. Cooperation with the United Nations human rights treaty system

44. The Islamic Republic of Iran has ratified five core international human rights treaties[38] and is a signatory to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

45. The Human Rights Committee considered the third periodic report of the Islamic Republic of Iran (CCPR/C/IRN/3) on 17 and 18 October 2011, the State party's first report submitted to the Committee in 18 years. In its concluding observations (CCPR/C/IRN/CO/3), the Committee welcomed the opportunity to renew its constructive dialogue with the Islamic Republic of Iran and noted various positive developments, such as the signing of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, its accession to the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and the ratification of the Convention on the Rights of the Child. However, the Committee expressed concern about the inequality of women with regard to marriage, family and inheritance; the harassment, persecution and cruel punishment, including the death penalty, faced by members of the lesbian, gay, bisexual and transgender community; the extremely high and

[35] See http://irdiplomacy.ir/en/news/27/bodyView/1897602/ The.Consequences.of.Sanctions.on.Iran%E2%80%99s.Central.Bank.html.

[36] United States firms, including major drug-makers such as Merck & Co. and American Pulp & Paper Corporation have reported problems in getting paid for medicines and other humanitarian exports allowed by the United States Treasury. See www.reuters.com/article/2012/03/20/us-iran-usa-sanctions-idusbre82j05n20120320.

[37] See www.payvand.com/news/12/may/1062.html and www.reuters.com/article/2012/02/05/us-iran-mood-idUSTRE8140AD20120205.

[38] International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of the Child, International Convention on the Elimination of All Firms of Racial Discrimination and Convention on the Rights of Persons with Disabilities.

increasing number of death sentences; the execution of minors; the widespread use of torture and cruel, inhuman or degrading treatment in detention facilities; the frequent violations of fair trial guarantees; and the discrimination faced by minority groups. The Committee encouraged the Islamic Republic of Iran to ensure that all obligations under the International Covenant on Civil and Political Rights are fully respected and that Iranian legislation and practices are brought into line with its provisions.

B. Cooperation with special procedures

46. There have been no visits by special procedures mandate holders since 2005, despite a standing invitation issued to all thematic mandate holders in 2002. The Government has agreed in principle to a number of visits by special procedures, including the Working Group on Enforced or Involuntary Disappearances,[39] the Special Rapporteur on extrajudicial, summary or arbitrary executions[40] and the Special Rapporteur on freedom of religion or belief.[41] To date, however, these visits have not been scheduled. Requests for country visits by other mandate holders, including the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, remain outstanding. The authorities reconfirmed to OHCHR their plan to invite two mandate holders to visit in 2012, although these invitations have not yet materialized.

47. Since his appointment in August 2011, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran has appealed to the Government to extend its full cooperation and enable the fulfilment of his mandate. His requests for a country visit have yet to receive a positive response. In a positive move, the Permanent Missions of the Islamic Republic of Iran to New York and Geneva received the Special Rapporteur for a meeting and assured him of their cooperation. The Special Rapporteur presented his first report to the Human Rights Council at its nineteenth session (A/HRC/19/66) on 12 March 2012. On that occasion, he expressed regret concerning the unwillingness of the Iranian authorities to cooperate substantively with international human rights mechanisms and with the country mandate holder in particular. He also expressed his deep concern about the deteriorating situation of human rights in the country. The Iranian authorities argued that the Special Rapporteur had repeated baseless allegations and had ignored the positive aspects of human rights development in Iran.

48. In 2011, special procedures mandate holders sent a total of 17 communications to the Islamic Republic of Iran; the Iranian authorities responded to only one.

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

49. In February 2010, the Islamic Republic of Iran officially invited the United Nations High Commissioner for Human Rights to visit the country. The High

[39] A visit scheduled for July 2004 was postponed. Follow-up reminders were sent in 2008, 2009 and 2010.

[40] An initial request sent in November 2004 was followed by requests in February 2005, October 2005, November 2006, December 2008 and September 2010.

[41] Visits were agreed to in principle in November 2003. Several follow-up requests and reminders were sent thereafter.

Commissioner accepted the invitation but requested that a working-level mission be allowed to visit the country to prepare for her visit. The Government accordingly invited a working-level OHCHR delegation to visit from 19 to 22 December 2011.

50. The OHCHR delegation held meetings with senior Government officials, members of the judiciary, Members of Parliament, the Non-Aligned Movement Centre for Human Rights and Cultural Diversity, the United Nations country team and diplomatic missions. Requests made before and during the visit for meetings with opposition figures under house arrest, access to other prisoners of concern and a meeting with a range of independent civil society representatives were declined. The delegation sought to raise individual cases of concern and offered technical assistance in relation to key legislation, such as the revised Islamic Penal Code, the Code of Criminal Procedures, juvenile justice laws and a proposed new law on the establishment and supervision of non-governmental organizations. Following the discussions, both sides agreed that a visit by the High Commissioner would require more in-depth preparations and outreach to different actors.

IV. Conclusions and recommendations

51. **The Secretary-General is deeply troubled by reports of the increasing number of executions, including in public; continuing amputations and flogging; arbitrary arrest and detention, unfair trials, torture and ill treatment; and the severe restrictions targeting media professionals, human rights defenders, lawyers and opposition activists. The Secretary-General regrets reports of restrictions in the enjoyment of human rights imposed on non-nationals, notably refugees, including in the areas of education and freedom of movement. He again encourages the Government to address the concerns highlighted in the present report and the specific calls for action contained in General Assembly resolutions and recommendations of various human rights mechanisms, including the universal periodic review process.**

52. **Noting the positive achievements of the Islamic Republic of Iran against many economic and social indicators, the Secretary-General encourages the Government to continue addressing regional disparities in the enjoyment of economic and social rights, and discrimination against women and members of certain minorities.**

53. **The Secretary-General notes and is encouraged that the authorities have taken certain positive steps such as the decision to omit stoning as a method of execution and to limit the application of the death penalty for juvenile offenders in its recent Penal Code reform. However, the Secretary-General expresses concern that the new Islamic Penal Code fails to abolish the execution of juvenile offenders and has not raised the age of criminal liability of children. The Secretary-General strongly encourages the Government to further revise the Islamic Penal Code and juvenile justice laws to ensure compliance with international human rights standards and to end punishments that are prohibited under international law. In the meantime, the Secretary-General calls upon the Islamic Republic of Iran to institute a moratorium on the death penalty.**

54. **The Secretary-General welcomes the recent efforts made by the Islamic Republic of Iran to report to human rights treaty bodies. He encourages the**

country to implement the concluding observations of the Human Rights Committee. The Secretary-General calls upon the Government to ratify the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

55. **The Secretary-General welcomes the expressed intention of the Islamic Republic of Iran to invite two special procedures mandate holders for a visit in 2012 and hopes that these invitations will be expedited. He regrets that despite requests for a country visit, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran has not yet been admitted to the country. The Secretary-General encourages the Government to fully cooperate in the fulfilment of the Special Rapporteur's mandate by inviting him to the country at the earliest opportunity.**

56. **The Secretary-General welcomes the cooperation extended by the Government of the Islamic Republic of Iran to OHCHR, including through the invitation of a working-level visit. The Secretary-General encourages the Government to strengthen cooperation with OHCHR and other relevant United Nations agencies, programmes and funds, as well as with civil society, with a view to enhancing the promotion and protection of human rights in the Islamic Republic of Iran.**